

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

AUGUST 15, 2007

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **August 15, 2007** in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Chief Executive Paul Babb.

ROLL CALL

10 present, 1 absent. Commissioner Coleman was excused.

PRAYER

Commissioner Foley led the commissioners in prayer

APPROVAL OF THE MINUTES OF THE AUGUST 1, 2007 REGULAR MEETING

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to approve the Minutes of the August 1, 2007 Regular Meeting.

ITEMS NOT ON THE AGENDA – SUSPENSION OF THE RULES

None

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

None

CHIEF EXECUTIVE’S REPORT

Chief Executive Babb reported that the An Ri’Ra Festival was a big success. Hats off to everyone who participated in that.

He also reported that we have cleared our first hurdle with the Natural Resource Damage Program. The Advisory Council did approve all of our projects. Now it will be going before the Trustee Council tomorrow. He is confident it will pass there and then we’ll be on to the Governor’s Office. There was 9.7 million

dollars worth of funding for this next year's grant cycle and Butte-Silver Bow including the Greenway Service District which is for two years received 7.1 million. We got the water line, Thompson Park, the Big Hole Transmission line and Greenway Service District.

He said they did meet last week with a presentation from Home Depot and right now we are waiting for more information to come back. Then we will meet again and there will be recommendation that will come forward for the council

This morning at 8AM we received a \$280,000 grant through FEMA. This is for earthquake research – a partnership we have with Montana Tech. It will allow us to look at the mitigation in case of an earthquake and then also look at how we're prepared. Getting this grant will also help is there is any infrastructure that might need to be moved.

We have had several meetings at the Kelley Warehouse. They had a meeting yesterday at 10:00AM where all the supervisors were there to take a look and see if there is a public use for this. We also invite Council members that haven't had a chance to go through that warehouse. After going through all this we will be meeting with the Community Enrichment Committee and they will make a determination from there and forward that on to the council. Commissioner O'Leary said he talked with Rick Larson from the Health Department about the commissioners doing a walk through of the Kelley shops and they are under the impression that they would like to do this as a group next Wednesday at 5:15 if that suits the council. He asked for a show of hands.

SECTION I
PRESENTATION
COMMUNICATION NO. 07-556

Lynn E. Clark, Business Advocate, requesting time on 8/15/07 agenda to make a presentation on grand opening of the Legion Oasis Neighborhood Community Center.

Lynn Clark, Business Advocate for Career Futures, 2118 Elm Street, said she was here to introduce three women who had done an incredible job of pulling together the Butte Legion Oasis Neighborhood Network Center. They will have a grand opening tomorrow evening from 3 to 7PM. She invited all to attend. She then introduced Bonnie Hancock, Deb Smith and Janeen Wilson. Deb Smith and Bonnie Hancock both gave a history of how this came to be and explained the festivities for tomorrow.

It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to place Communication No. 07-556 on file.

SECTION II

PUBLIC HEARING

FOR THE PURPOSE OF FIXING THE FINAL BUDGET AND MAKING APPROPRIATIONS. (Communication No. 07-533 being held in Committee of the Whole) Proof of publication was noted and placed on file.

Jeff Amerman, Finance and Budget Director, came to the microphone and handed out some updated information in the form of Addendum A. He explained that the Resources and Requirements schedule that he handed out is not the complete schedule. It is the schedule of the tax supported funds. The levy is presently set at 278.09 mills. The vast majority of increase is due to Montana Resources gross proceeds. No action is required by the council tonight. He requested that these amendments to the budget be approved and that we would keep the public hearing open until council is comfortable with setting the levy. We do have 45 days legally to set our levy from August 6th. He suggested September 10th for a Special Meeting.

Chief Executive Babb opened the public hearing at 7:50PM and called for any proponents. On the third and final call there being none he called for opponents. Again there was no response so he asked to continue the public hearing.

SECTION III

CONSENT AGENDA

- A.**
 - 1. COMMITTEE OF THE WHOLE MEETING REPORT
 - 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 - 3. JUDICIARY COMMITTEE MEETING REPORT
 - 4. PUBLIC WORKS COMMITTEE MEETING

B. PETITIONS

- 1. 07-9 John Harrington, Building Official, requesting on behalf of Butte School District #1 to close and vacate a portion of Wyoming south of Silver Street.

C. COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any segregations. Commissioner O'Leary segregated Section II and Section VIII of the Committee of the Whole Report.

It was then moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 through 4 and Section B and Section C, Items 1 through 12.

Commissioner O'Leary said he was informed that Mr. White, the author of Communication No. 07-393, has withdrawn this communication and he would like it placed on file. He then moved to place Communication No. 07-393 on file. Commissioner Lee seconded the motion and it passed with a unanimous verbal vote.

Commissioner O’Leary moved that the amendments outlined in Addendum A dated 8/15/2007 be approved and that Communication No., 07-533 be held in abeyance. Commissioner Lee seconded the motion and it passed with a unanimous verbal vote.

1. COUNCIL RESOLUTION NO. 07-64

2. COUNCIL RESOLUTION NO. 07-67

A RESOLUTION VACATING, CLOSING DISCONTINUING AND ABANDONING A PORTION OF JEFFERSON STREET AND A PORTION OF THE ALLEY ADJACENT TO BLOCKS 5 AND 12 IN THE KEMPER ADDITION WITHIN THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PRESCRIBING THE EFFECTIVE DATE OF THIS RESOLUTION AND FINDING THE NECESSARY FACTS HEREIN.

3. COUNCIL RESOLUTION NO. 07-68

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY PARTICULARLY DESCRIBED AS LOTS 3, 4, 5, 6, 7, 8 AND 9 IN BLOCK 12 OF THE ORIGINAL BUTTE TOWNSITE, LOCATED IN SECTION 13, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M., BUTTE-SILVER BOW COUNTY, MONTANA FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION V ORDINANCES AND RESOLUTIONS –
FINAL READING**

1. COUNCIL RESOLUTION NO. 07-60

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE ELK RIDGE ESTATES MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council resolution No. 07-60 on final reading passed having been deemed fully read at length.**

2. COUNCIL RESOLUTION NO. 07-61

A RESOLUTION CONTINUING THE LOCAL VEHICLE TAX FOR FISCAL YEAR 2007 – 2008 ON VEHICLES SUBJECT TO A REGISTRATION FEE UNDER SECTIONS 61-3-560 THROUGH 61-3-562, MCA AT A RATE OF 0.5% OF THE VALUE DETERMINED UNDER SECTION 61-3-503, MCA IN ADDITION TO THE REGISTRATION FEE IMPOSED UNDER SECTIONS 61-3-560 THROUGH 61-3-562, MCA, AS AUTHORIZED BY SECTION 61-3-537, MCA; DECLARING THAT A PUBLIC HEARING HAS BEEN HELD ON THE LOCAL VEHICLE TAX AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council resolution No. 07-61 on final reading and passed having been deemed fully read at length.**

3. COUNCIL RESOLUTION NO. 07-62

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE HOME DEPOT MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING

FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council Resolution No. 07-62 on final reading and passed having been deemed fully read at length.**

**4. COUNCIL BILL NO. 07-12
ORDINANCE NO. 07-12**

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 344 AND CHAPTER 2.24 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “LAW ENFORCEMENT COMMISSION”; ADDING A NEW SUBSECTION 2.24.040 (H), B-SB MC; PROVIDING FOR ADDITIONAL COMPENSATION FOR THE CHAIRMAN OF THE LAW ENFORCEMENT COMMISSION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council bill No. 07-12, Ordinance No. 07-12 as amended on page 2, line 4 by deleting the word “acting” on final reading and passed having been deemed fully read at length.**

**SECTION VI ORDINANCES AND RESOLUTIONS –
SUSPENSION OF THE RULES**

It was moved by Commissioner O’Leary, seconded by Commissioner and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to suspend the rules for the purpose of passing Council Resolution No. 07-65 and Council Resolution No. 07-66 by waiving subsection 7 of Rule XXXVI, of the Rules and Order of Business of the Council of Commissioners, thereby having it considered for advanced passage without reference to the Judiciary Committee.

1. COUNCIL RESOLUTION NO. 07-65

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY KNOWN AS 160 WEST GRANITE STREET, LEGALLY DESCRIBED AS LOT 11 IN BLOCK 23 OF THE ORIGINAL BUTTE TOWNSITE, BUTTE-SILVER BOW COUNTY, MONTANA FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council Resolution No. 07-65 on final reading and cross**

referenced with Communication No. 07-535 and passed having been deemed fully read at length.

2. COUNCIL RESOLUTION NO. 07-66

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY KNOWN AS 622 WEST GRANITE STREET, LEGALLY DESCRIBED AS LOT 5 IN BLOCK 9 OF THE PLYMOUTH ADDITION AND LOT 11 OF THE SILVER JOE AND CARRIE LODE, BUTTE-SILVER BOW COUNTY, MONTANA FOR THE PURPOSE OF COMMUNITY DEVELOPMENT IN ACCORDANCE WITH THE PROCEDURES OF BUTTE-SILVER BOW MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 11 yeas, 0 nays and 1 absent to place Council Resolution No. 07-66 on final reading and passed having been deemed fully read at length and cross referenced with Communication No. 07-536.**

ADJOURN

There being no further business to come before the Council, it was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to Rise to the Call of the Chair.

The meeting adjourned at 8:05 PM

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER